

## **APPENDICES**

APPENDIX A

**BOARD ORDER OF JULY 22, 1997**

**TO:** BOARD OF SUPERVISORS  
**FROM:** VAL ALEXEEFF, DIRECTOR  
GROWTH MANAGEMENT AND ECONOMIC  
DEVELOPMENT AGENCY



Contra  
Costa  
County

**DATE:** JULY 22, 1997

**SUBJECT: SOUTHERN PACIFIC RIGHT-OF-WAY MANAGEMENT PROGRAM**

---

**SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION**

**RECOMMENDATIONS**

DIRECT the Public Works Department, the Community Development Department and the County Redevelopment Agency to jointly develop a Management Program for the former Southern Pacific San Ramon Branchline Right of Way (SPROW) from Concord to the Alameda County line. The Management Program shall be developed with participation by the public through a committee to be determined by Supervisors DeSaulnier and Gerber and shall include 1) mapping of existing and committed uses within the SPROW, 2) inventory of all existing license agreements, easements, contracts and conditions for uses within the SPROW, 3) establishment of criteria and standards to ensure the continued operation of the SPROW as a joint use facility, 4) landscaping program consistent with existing and committed uses, 5) public information program and 6) funding mechanisms to cover program costs, including installation and maintenance of landscaping.

DIRECT the Public Works Director to notify residents adjacent to the right of way of the County's intent to develop a Management Program for the SPROW

CONTINUED ON ATTACHMENT:   X   YES      SIGNATURE Dennis M. Barry  
       RECOMMENDATION OF COUNTY ADMINISTRATOR        RECOMMENDATION OF BOARD COMMITTEE  
       APPROVE             OTHER

SIGNATURE(S):

ACTION OF BOARD ON July 22, 1997 APPROVED AS RECOMMENDED   X   OTHER   X  

This order reflects the amended language by the Board of Supervisors on this date.

**VOTE OF SUPERVISORS**

  X   UNANIMOUS (ABSENT       )  
AYES:        NOES:         
ABSENT:        ABSTAIN:       

Contact: Julie Bueren (510/313-2342)  
cc: Community Development Department  
Public Works  
GMEDA  
Redevelopment Agency

JB/aw  
j:\group\cdadpool\audrey\aprow.bo

I HEREBY CERTIFY THAT THIS IS A TRUE  
AND CORRECT COPY OF AN ACTION TAKEN  
AND ENTERED ON THE MINUTES OF THE  
BOARD OF SUPERVISORS ON THE DATE  
SHOWN.

ATTESTED July 22, 1997  
PHIL BACHELOR, CLERK OF  
THE BOARD OF SUPERVISORS  
AND COUNTY ADMINISTRATOR  
BY Jim Cervello, DEPUTY

### FISCAL IMPACT

No impact to the General Fund. Development of the Management Program will be funded with SPROW Trust Fund and Pleasant Hill BART Redevelopment Agency funds.

### BACKGROUND/REASONS FOR RECOMMENDATIONS

Contra Costa County purchased the former Southern Pacific San Ramon Branchline Right of Way (SPROW) between Concord and the Contra Costa/Alameda County line, allowing this corridor to be preserved for a variety of public uses including future transit. The County used a State transportation grant to fund the acquisition. The grant required a 100% local match which was funded through the sale of easements to Central Contra Costa Sanitary District, East Bay Municipal Utility District and the Flood Control District. A portion of the right of way was purchased with Redevelopment Agency Funds. The State acquisition grant requires that the right of way be preserved for a future mass transit facility.

In addition to the utility easements which were sold to fund the purchase, there are other petroleum users within the right of way. Southern Pacific maintained an easement for its high-pressure pipeline. The East Bay Regional Park District has a license agreement for 20 feet for a recreational and commuter trail within the right of way. More recently a fiber optic line was installed. The County has been careful in the selling or granting of easements and licenses for other public uses to preserve the opportunity for a mass transit project.

The County and the Redevelopment Agency have received numerous requests from citizens adjacent to the right of way to develop the SPROW as a linear park. The practice has been not to allow any planting or landscaping of the right of way as it might interfere with existing uses and the potential for future transit use. However, it is possible that some areas for planting may be identified that would not impede existing or future uses of the right of way. With a growing number of uses for the right of way, it is now necessary to develop a Management Program for the right of way that would accommodate all desired uses.

Elements of the management program would include:

- **Mapping:** Preparation and maintenance of right of way maps that record the locations of all existing and committed uses and easements.
- **Use Conditions:** Inventory of existing license agreements, contracts, and conditions for existing and committed uses.

- **Joint Use Criteria and Standards:** Establishment of criteria and standards to ensure the coexistence of the existing and committed uses, and to evaluate the ability to accommodate new uses that may be proposed in the future.
- **Landscaping:** Identification of the location and type of landscaping that can be accommodated in the right of way, and the cost for installation and maintenance.
- **Public Information:** Development of a public information element to inform interested individuals of the management program.
- **Funding:** Update of existing fees and establishment of new mechanisms to cover program costs. Specific mechanisms will be established to cover installation and maintenance of landscaping, such as formation of an assessment district, private contributions, grant funding or a combination of new revenue sources.

**Southern Pacific Right-of-Way Management Program**  
 July 22, 1997  
 Page 3

The right of way has been surveyed to identify the existing easements and to determine an area for future transit. The record maps from the survey have been finalized from Ygnacio Valley Road to the County line. The portion north of Ygnacio Valley Road will be finalized soon. With this information, it will be possible to determine if there are any areas within the right of way that are appropriate for landscaping. Criteria for types of landscaping need to be developed to ensure that any plantings are compatible with the existing and future uses in the right of way. At this time, there is no funding source for planting within the right of way or for maintenance of landscaped areas. The Southern Pacific Right of Way Trust Fund currently funds the property management and limited maintenance for weed abatement. However, a more extensive management program that includes landscaping would require additional funding. Alternatives for funding may include formation of an assessment district, private contributions, grant funding or a combination of sources.

The SPROW is of great interest to communities adjacent to the right of way and development of the Management Program shall allow for public participation. After the Management Program is completed, it will be submitted for adoption by the Board of Supervisors. Until a Management Program is adopted, the County will continue its current policies and practices for the right of way.

#### CONSEQUENCES OF NEGATIVE ACTION

Without the development of a Management Program for the SPROW, the County will continue its existing policies and practices to manage the right of way, which does not allow for landscaping.

## APPENDIX B

# SUMMARY OF PUBLIC COMMENT

### B.1 Public Planning Workshop Results

Approximately 55 people attended the two workshops. Following is a summary of key comments recorded at each workshop. The first workshop was in Walnut Creek on May 27, 1998 and the second was in San Ramon on June 3, 1998.

#### Workshop Comments in Walnut Creek, May 27, 1998

- Consider placement of benches so that residents are not disturbed by noise. Benches attract noisy activities that disturb long-time residents.
- More visitors should not be invited by more amenities (from the point of view of an adjacent resident).
- Some adjacent residents enjoy the trail and people passing by.
- Use existing amenities and not provide more along the trail. Use amenities nearby the trail.
- All users should be considered. Older people need amenities, e.g., for resting.
- Provide standards for distance from residents.
- Curfew should be enforced. More patrolling would be needed.
- Restrooms in Walden Park are not a problem for use by trail users. This is a good example of off-trail facilities.
- On the bike trail it's nice to have resting spaces.
- Planting: safety, security need to be addressed.
- Drinking fountains are too expensive. There is no need for them in residential areas. People should prepare and carry enough water with them.
- Place water along long stretches where there are no stores or other amenities.
- Think of the ROW as a park not only a trail and provide amenities for a "park."
- ADA standards should be addressed. Unfriendly, spiky plants can be along residential fences as protection.
- Unfriendly concrete channel should be treated with landscaping, plants over the wall.
- There is a safety issue where the trail is parallel with driveway, and very close to each other.
- Some larger shady trees should be provided. When selecting trees consider views and height (i.e. don't block views). Safety should be considered where shrubs are planted near road edges. Ensure good visibility at street intersections. Visibility at crossings should be very important. It provides an advantage to motorists.

- “Rural” and “Valley” landscaping are more attractive to people, more closely associated with a trail than the “urban” section. Soft and natural landscape is preferred. No geometry.
- Only address intersections more formally, perhaps.
- Planting should invite birds and butterflies.
- Added planting should be restorative.
- Land within the ROW can be used for all kinds of parks.
- Natives for planting.
- One priority could be to look at crossings.
- Invasive and deep roots are to be avoided.
- Leaves on trails are dangerous and slippery.
- Edible berry shrubs are a treat along the trail.
- Historical connections: mark the location of old depots with historic signs. Palm trees are historic as marks for the depots.

### **Funding Issues**

- Maybe lease part of the ROW to EBRPD and they could be required to do more maintenance: e.g. pass a bond measure to fund maintenance.
- Subsurface user fees should be considered.
- Grants for installation, e.g. ISTE. Community support helps secure funds and grants.
- Private funds collected from generous individuals.

### **Workshop Comments in San Ramon, June 3, 1998**

- Schools should have more significant access to the ROW: e.g., remove fences at Walden Park in Walnut Creek.
- Greenbrook School is a good example for connecting with the trail.
- Too much vegetation creates hiding places.
- Water fountains are not needed on the ROW if they are provided in adjacent facilities e.g., schools.
- Accommodate multi-use more. Provide wider walking surface, or more pave area for bikers, roller bladers.
- Moving noise is acceptable and preferred to noise made by people at benches.
- Provide for multi-use. Everyone uses the paved surface. Dirt surface is not comfortable enough. It is too muddy and has spiky plants.
- Where there is adequate space, the trail should be wider.
- Bump-outs can also help facilitate multi-use. Smaller tracks for children in addition.
- Provide fitness stations. The ROW is more associated with movement and fitness rather than a park concept. There are plenty of parks; we don’t need to provide more in the ROW.

- Fitness stations get vandalized.
- Plan for today and 15 years from now.
- Provide more trail systems for different functions simultaneously.
- Landscaping should be flexible to adapt to future uses and to accommodate different users.
- Incorporate possible future uses, users, and community intentions.
- Natural water system could be used for irrigation. Montevideo to Alcosta.
- Water fountains are not necessary. Too much money.
- Amenities (fountains, benches) make more sense at intersections.
- Shading areas do not necessarily have to become a hangout space.
- The more done to improve the trail, the more safe it will become.
- 1/4 and 1/2 mile markers could be on the pavement in paint.
- Plant plants that do not need trimming or pruning, or shearing.
- there are good sections of the ROW that do not need any improvement.
- It's good not to see the adjacent area and get away.
- Manzanita is not a good plant because of fire danger. Plants should be fire resistant.
- Look into U.C. Berkeley's Master Gardener Program.
- Plants that bring color would be nice for the Valley area.
- In certain cases garbage cans can work but not everywhere, perhaps at major intersections and cross streets.
- Stopping lights don't always work. if they are placed they should be at every intersection and not just sporadically. It's more confusing and dangerous.

## **Funding Issues**

- Cities sometimes paid for certain construction costs.
- EBRPD has a "fee" that goes for maintenance.
- Private persons could donate trees and the Park (EBRPD) maintains them, e.g. BART station at Pleasant Hill.
- Private organizations can donate and the EBRPD maintain.
- Improvements along the ROW are costly because of encroachment fees.
- Smaller businesses, shops benefit from the trail. So they should give to the trail, too.
- The Chamber of Commerce in each city or the city's recreation and park department could be the main coordinator for improvements to the Corridor.
- Coordination has to go through the County because the County is the ROW owners.
- PG&E should participate. If they are shown completed examples, it could have a more successful campaign.
- Easement users should pay more., not a flat fee but based on what they want to improve, or how they use the ROW easement.
- Parks department should spread the word.



- There is a lot of affection towards the ROW.
- EBRPD has trail days where people can volunteer to construct or improve the trail.
- The plan – a unified approach – will help bring the cities to the table to participate. The plan is a very important encouragement. There is interest from adjacent owners (like Bishop Ranch) to participate. They would like to contribute once a plan is in place.
- Maybe a fund could be established for the entire trail so not only certain stretches get help. The Regional Parks Foundation could be used as a channel to collect funds. A fund for the landscaping could be established for anybody to contribute to.

## **B.2 Virtual Workshop Results (Web Site Workshop)**

Fourteen residents responded to a Virtual Workshop that was posted for interested residents at <http://www.participation.com> from June 8th - 17th, 1998. Questions are in bold. Text responses represent a sampling of different opinions expressed.

### **1) Do you generally agree with the Design and Landscape Goals?**

(12) Yes      (0) No      (2) Yes, if modified.

### **2) If necessary, modify an existing goals or suggest a new one.**

*As many shade trees as possible given the constraints, particularly along the stretches that are now totally open. Trees along the Alamo corridor should be selected so as not to be so tall as to block views of houses along the elevated sections adjacent to the trail.*

*The landscape should be as natural as possible, even in areas where adjacent uses are more formal or urbanized. This will better recall the underlying nature of the whole valley, rather than its later, disparate districts and neighborhoods. Design Goal D-6 should be expanded to include spaces intended to attract people to the trail as a location to sit, as well as walk, to socialize. There should be numerous spaces created to do this.*

*Suggest adding element: responsibility of trail neighbors to maintain their frontage area.*

*I am concerned about low-growing shrubs and groupings providing a place for homeless encampments such as in Golden Gate Park. With so many homes nearby, personal security of the residents is an important consideration.*

*Goal: Provide shade along the trail. Will any of the landscaping provide shade along the trail? Goal: Control insects along the trail. As the trail is now, there are LOTS of flying insects. Will the landscaping plans control this? Goal: Educate people about the history of this region using signs at intersections and rest stops along the trail.*

**3) Do you generally agree with the idea that there are three subregions?**

(12) Yes      (2) No

**4) Do you generally agree that these regions could help guide planting and design guidelines for each area?**

(11) Yes      (1) No

**5) If you have any comments about the idea of using subregions, please submit here.**

*I would prefer a unifying concept for the whole trail, rather than distinguishing between parts of it. The trail would be geographically most extensive design element in the county. I would prefer to recall the original natural/rural character of the whole county.*

*Naturalize as much as possible.*

*Having different "regions" could tend to pit one area against another; it's all one trail.*

*Subregions help understand the area and provide a good definition of the differences. As proposed, without making them a lot more sophisticated, they make sense.*

*There are areas where the trail crosses public parks. Harmony with them is important, too.*

*It's only a bike trail: "Urban" is not necessary...stay with "Rural" and "Valley."*

**6) Do you generally like the planting schemes for each Subregion?**

(12) Yes      (1) No

**7) Do you generally like the idea of having some amenities along the trail such as mile markers, water fountains, and informational signs about the surrounding community?**

(14) Yes      (0) No

**8) Submit below any general comments about the schemes presented for planting, street intersections or amenities:**

*Mile markers and better signage regarding the trails position relative to the surrounding community would be helpful. At present is its difficult to determine where you are relative to Danville until you arrive at the old train station. Ditto Alamo.*

*I note that restrooms are not mentioned. Is this intentional? I think that restrooms are an important amenity given the length of the trail. They need not have sewer hookups. Rustic portables like the ones at the Lafayette Reservoir are fine. These smaller facilities also eliminate the possibility of illegal activities occurring in the restrooms. I like the sketch of the drinking fountain that shows a pan below for dogs. Free poop mitts should also be provided at intervals along the trail, along with garbage cans for waste disposal.*

*Desirable urban/formal landscape schemes require much more maintenance than the County or EBRPD can provide. Formal landscapes that become too simplified often take on a boring or sterile character. A more natural look will require less and simpler maintenance and will have a more lush and interesting character.*

*Urban area design is too orchestrated, especially do not like the circular design pattern. Need to naturalize as much as possible Mile markers are too formal in design process. Need a more low profile design, less obtrusive Do not like the idea of incorporating play areas into regions without existing adjacent parkland. Seems as though this idea would dilute the aspect of a "trail " and make certain areas destination spots within themselves. These spots may pose a safety risk to sports users on the trail i.e.: inline skaters, bicyclists due to dense use patterns.*

*I would like to see more detail about the San Ramon portion. We desperately need trees, etc to improve the look of the trail. The Alamo and Danville sections are okay already but our area needs help now!*

*This will allow people a resting spot without being in the way of people who don't want to be slowed down. As the trail is now, you feel as if you must keep pace. It's important to make the trail a refuge for people who want to stroll without traffic as well as an alternative way to get from one place to another. Access to the trail should be available from all public schools, parks, and shopping centers that are nearby. This may encourage people to use the trail instead of the street. It would be much safer for children.*

*The only amenity that really concerns me is the concept of "play" areas. I think this is just borrowing trouble. There are enough beer bottles found along the trail now...let's not encourage this type of behavior by making it attractive to them to gather. Also, picnicking further invites more garbage...there's enough already.*

*A concern of the neighbors on the bisecting streets is the traffic that occurs when people park in the neighborhoods, with an assortment of kids, bikes, animals often leaving their garbage behind. Not pleasant for the local residents.*

## Summary of Letters to the Iron Horse Corridor Advisory Committee

Letter #	Green-space or Parks	Native Species	High Use (*)	Low Ground Cover	Trees or Shade	Drinking Fountains	Garbage cans	Benches	Emergency Phones	Dogs (Clean-up)	Dogs (off Leash)	Good Security	Bike Feeder Trails	Donation Offers	Litter & Weed Clean up	Bath-rooms
1																
2																
3													1			
4															1	
5																
6	1	1			1		1	1								
7																
8																
9											1					
10	1	1	1	1												
11		1			1	1		1				1				1
12	1				1	1	1	1	1			1				
13						1										1
14																
15		1														
16					1	1						1				1
17						1										1
18						1										
19	1	1	1	1	1	1	1		1	1	1	1				
20	1	1	1		1	1	1	1	1	1	1	1				
21	1	1	1	1	1	1	1	1	1	1	1	1				
22																
23	1	1	1	1	1	1	1	1	1	1	1	1				
24	1			1	1	1	1	1	1							
25	1															
26	1				1	1	1	1	1	1	1					
27	1									1	1					
28	1	1		1	1	1	1	1	1	1	1					
29		1		1	1	1	1	1	1	1	1					
30	1	1	-1	1	1		1	1		1	1					
31	1	1			1	1	1	1	1	1	1					

Letter #	Green-space or Parks	Native Species	High Use (*)	Low Ground Cover	Trees or Shade	Drinking Fountains	Garbage cans	Benches	Emergency Phones	Dogs (Clean-up)	Dogs (off Leash)	Good Security	Bike Feeder Trails	Donation Offers	Litter & Weed Clean up	Bath-rooms
32	1				1	1	1	1	1							
33																
34	1	1	1	1	1	1	1	1	1	1	1	1				
35	-1				1	1	1	1	1		1	1				
36	1	1		1	1	1	1	1	1	1	1	1				
37	1	1		1	1	1	1	1	1	1						1
38	1	1		1	1	1	1			1	1	1				
39	1	1		1	1	1	1	1	1	1	1	1				
40	1	1	1	1	1											
41	1	1		1												
42	1	1			1	1	1	1	1	1						
43	1	1			1	1	1	1	1							
44																
45	1	1			1	1	1	1	1							
46	1	1		1	1	1	1	1	1	1	1	1				
47	1	1		1	1	1	1	1	1							
48					1	1	1	1	1							
49	1	1			1	1	1	1	1			1				1
50	1	1			1	1	1									
51					1									\$5,000		
52	1		1		1	1	1	1	1	1	1	1		Bench		
53	1	1			1	1	1	1	1	1	1					
54	1	1			1			1								
55					1									\$500		
Verbal														\$30		
Verbal														\$40		
Verbal														\$150		
49	31	28	8	17	35	32	29	28	25	19	19	15	1	\$5,720	1	6
	63%	57%	16%	35%	71%	65%	59%	57%	51%	39%	39%	31%	2%	(+) bench	2%	12%

And one  
against  
(\*)volleyball  
courts.

Many asked  
for water for  
dogs

(49) total letters received

This summary of letters and offers received by the Iron Horse Corridor Advisory Committee was prepared by Peter Duncan, Committee Member.



APPENDIX C

**POTENTIAL FUNDING SOURCE CONTACTS**

**Federal Funding Sources for Capital Improvements**

**Intermodal Surface Transportation Equity Act (ISTEA)**

ISTEA has been reauthorized as "TEA-21."

(Administered in California by the Department of Transportation.)

California Department of Transportation

Division of Transportation Facilities Enhancement

1120 N. Street, Room 5306

Sacramento, CA 95814 (916) 654-5275

**Enhancements Program (Administered under TEA-21)**

California Department of Transportation

(916) 654-5275

**Recreational Trails Program (Administered under TEA-21)**

California Department of Transportation

(916) 654-5275

**Congestion Mitigation & Air Quality Improvement Program (CMAQ)**

(Administered under TEA-21)

California Department of Transportation

(916) 654-6819



**Transit Enhancement Activity (Administered under TEA-21)**  
California Department of Transportation  
(916) 654-5275

### **Other Federal Sources for Capital Improvements**

**National Park Service: Land and Water Conservation Fund**  
(Administered locally by the Department of Parks and Recreation.)  
California Department of Parks and Recreation  
1416 Ninth Street, Room 1449-1  
Sacramento, CA 94296-0001  
(916) 653-8758

**National Tree Trust**  
120 G Street N.W. Suite 770  
Washington, D.C. 20005

**U.S. Department of the Interior, U.S. Fish & Wildlife Service: Wildlife Conservation and Appreciation, and Wildlife Restoration**  
(Administered locally by the Department of Parks and Recreation.)  
California Department of Parks and Recreation  
1416 Ninth Street, Room 1449-1  
Sacramento, CA 94296-0001  
(916) 653-8758

## **State Funding Sources for Capital Improvements**

### **National Trails Fund Act (Symms Act)**

California Department of Parks and Recreation  
1416 Ninth Street  
P.O. Box 942896  
Sacramento, CA 94296-0001  
(916) 653-8803

### **State of California Department of Forestry and Fire Protection**

1416 Ninth Street, P.O.Box 9246  
Sacramento, CA 94244-2480

## **Regional Funding Sources for Capital Improvements**

### **EBRPD Bond Measure**

East Bay Regional Park District  
P.O. Box 5381  
Oakland, CA 94605-0381

### **SP ROW Trust Fund**

Contra Costa County Public Works Department  
255 Glacier Drive  
Martinez, CA 94553  
(925) 313-2300

### **Contra Costa County Redevelopment Agency**

651 Pine Street, 4th Floor - North Wing  
Martinez, CA 94553-0095

**Metropolitan Transportation  
Commission**

101 8th Street, 3rd Floor  
Oakland, CA 94607  
(510) 464-7700

**Transportation Development Act (TDA)**

California Transportation Commission  
Division of Mass Transportation  
Assistance  
Sacramento, CA 95814  
(916) 654-8688

**Private Sources**

**Surdna Foundation**

1155 Avenue of the Americas, 16th Floor  
New York, NY 10036  
(212) 730-0030

**Union Pacific Foundation**

Martin Tower  
8th and Eaton Avenues  
Bethlehem, PA  
(215) 861-3225

**San Francisco Foundation**

685 Market St.  
SF, CA 94105-9716  
(415) 291-2757

**Columbia Foundation**

One Lombard Street, Suite 305  
SF, CA 94111  
(415) 986-5179

**William and Flora Hewlett  
Foundation**

525 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
(650) 329-1070

**PowerBar DIRT Program**

2448 6th Street  
Berkeley, CA 94710

**REI Environmental Grants**

6750 South 228th St.

Kent, WA 98032

(206) 395-5955

**Proctor and Gamble Fund**

P.O. Box 599

Cincinnati, OH 45201

(513) 945-8452

**American Express Philanthropic Program**

American Express Tower

World Financial Center

New York, NY 10285-4710

(212) 640-5661



## RELEVANT RESOURCE DOCUMENTS

### **Resource Documents Relevant to the Iron Horse Corridor**

The following information associated with the Iron Horse Corridor is available at the Contra Costa County Public Works Department:

- Record of Survey Maps
- Licenses, Leases and Easements
- Public Comments Received
- Existing Conditions Report
- Photographic Inventory
- Finance Element

The County General Plan is available from the Contra Costa County Community Development Department.

The Pleasant Hill BART Area Specific Plan is available from the County Redevelopment Agency.



## APPENDIX E

# UTILITY COMPANY CRITERIA

### Utility Criteria Relevant to the Iron Horse Corridor

The following letters received from utility companies describe criteria for landscaping within various easements of the Iron Horse Corridor. Sources of the various criteria are as follows:

- East Bay Municipal Utility District
- California Pipeline Safety Act
- Central Contra Costa Sanitary District
- Kinder & Morgan Energy Partners, L.P





September 24, 1999

Ms. Julia R. Bueren  
Assistant Public Works Director  
Contra Costa County Public Works Department  
255 Glacier Drive  
Martinez, CA 94553-4897

Dear Ms. Bueren:

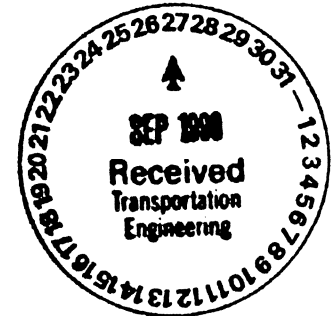
Re: Iron Horse Corridor Management Program  
Review of Landscape Element Administrative Draft Report

Thank you for the opportunity to review the referenced document. The East Bay Municipal Utility District (District) has the following comments:

#### **Chapter 1 – Introduction**

Section 1.1, Page I-1. This section describes the Iron Horse Corridor in general terms, including the East Bay Regional Park District's (EBRPD) trail, but makes no mention of other existing utilities under agreement with Contra Costa County. For consistency and accuracy of understanding, other existing utility uses should be included in this description of the Corridor.

Section 1.1, Page I-2. This section describes the six elements of the Iron Horse Corridor Management Program, and indicates that the Joint Use Criteria and Standards Element is discussed in a separate document. The District requests the opportunity to review this document as well.



EBMUD Continued →

Letter from  
EBMUD

The Mapping Element is described as consisting of the *Record of Survey* (dated December 1997) of the right-of-way (ROW), but it is the District's understanding that the most recent mapping document is the *Record of Survey* (number RS 2090 dated March 1994). If this is not the case, the District requests a copy of the most recent *Record of Survey* for the County ROW; the December 1997 *Record of Survey* date is also indicated on Page II-19.

Section 1.2, Page I-3. The second paragraph in this section refers to a "District Master Plan of 1976." Please clarify that this is the EBRPD.

375 ELEVENTH STREET . OAKLAND . CA 94607-4240 . (510) 835-3000



EBMUD Continued →

Ms. Julia Bueren  
September 24, 1999  
Page 2

## **Chapter 2 – Corridor Setting and Current Physical Conditions**

Section 2.2, Page II-1. Note that the County *Record of Survey* does not indicate "precise locations" of underground utilities; the location of utilities within easements are not indicated at all (only the easement boundaries are indicated).

## **Chapter 3 – Current Corridor Operations and Management**

Section 3.2.1, Pages III-2,3. In addition to the easements described in this section, the District also has a 25-foot-wide surface easement (acquired in the mid-1980's) in the ROW from Stone Valley Road West in Alamo to Linda Mesa Avenue in Danville.

Section 3.2.2, Page III-3. The District currently does not intend to renew the license agreement for the existing 24-inch pipeline, but instead, plans to obtain an easement for the existing 24-inch pipeline and for the proposed 69-inch pipeline.

Section 3.5, Pages III-10,11. As mentioned in the comment for Section 3.2.2, the District intends to obtain a permanent easement for both the existing 24-inch pipeline and the proposed 69-inch pipeline rather than renew the license agreement. Therefore, the \$22,300 annual payment shown in Table 3 will cease, and would be replaced by a one-time up-front payment for the permanent easement. Text on Page III-10 and Footnote 1 to Table 3 should be revised accordingly.

Section 3.6, Page III-12. This section implies that the District will renew the license agreement for the existing 24-inch pipeline and obtain a new license agreement for the proposed 69-inch pipeline. Please see the above two comments.

EBMUD Continued →

Chapter 5, Landscape Treatments And Cost Estimates. This chapter shows several conceptual cross sections (e.g. Page V-3) that include new flowering or shade trees. Use of and location of these trees over utility right-of-way is incompatible with the underground utility pipelines in the corridor. Tree drip lines and root structure should not encroach into utility zones as depicted in general on Page II-19.

#### **Chapter 6 – Financing Strategy and Potential Funding Sources**

Section 6.2, Pages VI-3,4. Dedication of landscaping improvements as mitigation for disruption of trail users in the ROW is contrary to the license agreement executed between the County and EBRPD, wherein the County clearly states that EBRPD's use of the trail is secondary and subordinate to utility and transportation uses. Therefore, it is the District's position that mitigation for disruption to trail users in the ROW cannot be required. This section also implies that the County has previously negotiated with utility companies to secure landscaping improvements as mitigation for trail user disruption. The District requests copies of representative mitigation agreements between the County and other utility companies.

EBMUD Continued →

Ms. Julia Bueren  
September 24, 1999  
Page 3

Regarding the suggestion (in Part 8 of this section) to seek donation of water meters, please note that the expenditure of public funds for private purposes is prohibited by the California Constitution, Article XVI, Section 6. The District can only expend funds for a public purpose which is within the jurisdiction of the District. Stanson v. Mott (1976) 17 Cal.3d 206. The District is not authorized to expend funds to provide and install meters in community trail corridors.

The suggestion (also in Part 8 of this section) that local jurisdictions interested in landscape improvements look for opportunities to connect to existing water meters, is not permissible in the District's service area. The District's Regulations do not permit water service to more than one premises from a single meter. (Section 19, Regulations Governing Water Service to Customers of the East Bay Municipal Utility District)

Section 6.4, Page VI-6. Part 2 of this section encourages the County to secure leases and licenses agreements, rather than easements, to provide additional revenue streams for corridor maintenance. For permanent facilities such as major utility pipelines, the District needs permanent, irrevocable rights to install, maintain, repair, and reconstruct these facilities, and will therefore strive to obtain permanent easements for these facilities. The District intends to compensate the County with a fair, one-time payment for surface, subsurface, and temporary construction easement rights needed for the existing 24-inch pipeline along with the proposed 69-inch pipeline, much like the District did in the mid-1980's when it acquired the easement for the 66-inch pipeline in the ROW south of Stone Valley Road West.

Section 6.5, Page VI-13. This section again suggests that mitigation would be required for trail user disruption. Please refer to the comment on Section 6.2, Pages VI-3, 4.

EBMUD continued →

Section 6.6, Page VI-15. As discussed previously, the District is prohibited from donating water meters. An agency or individual need not wait for a construction project in the ROW before requesting a water service connection; such a request can be made at any time by submitting a standard application for water service to the District's New Business Office. Please note that pipelines 20 inches or larger in diameter (such as the existing and proposed pipelines in the ROW) are solely for transmission of water from one part of the District's service area to another, and are not available for water service connections.

### **Chapter 7 – Implementation Process**

Section 7.3, Page VII-3. If the EBRPD, with its license agreement rights subordinate to utility users, has the ability to require design changes as described in Part C (titled "East Bay Regional Park District") of this section, then it follows that utility users should also have this ability. Therefore, the word "request" in Part D (titled "Right-of-Way Easement Holders, Licensees, and Leases") of this section should be changed to "require". Access to and structural integrity of major utilities must be paramount.

EBMUD Continued →

Ms. Julia Bueren  
September 24, 1999  
Page 4

Section 7.4, Page VII-4. Under "Criteria and Conditions for Evaluating Small Project Applications," Item C should be revised to also indicate that communication with and review by the various utility users is required.

Section 7.5, Page VII-6. Under "Criteria and Conditions for Evaluating Large Project Applications," Item D should be revised to also indicate that communication with and review by the various utility users is required.

If you have any questions or if the District can be of further assistance, please contact Harvey Hanoian, Senior Engineering Planner, at (510) 287-1064.

Sincerely,



WILLIAM R. KIRKPATRICK  
Manager of Water Distribution Planning

WRK:TAB:sb  
sb99\_338.doc

cc: Don Quinn  
Kinder Morgan Energy Partners, L.P.  
1100 Town & Country Road  
Orange, CA 92868

Kurt Swanson  
Central Contra Costa Sanitary District  
5019 Imhoff Place  
Martinez, CA 94553

**CALIFORNIA PIPELINE SAFETY ACT**  
**As amended January 1, 1992**

**PAGE 17**

**§51014.6. Pipeline easements; building, vegetation and shielding restrictions**

- (a) Effective January 1, 1987, no person, other than the pipeline operator, shall do any of the following with respect to any pipeline easement:
  - (1) Build, erect, or create a structure or improvement within the pipeline easement or permit the building, erection, or creation thereof.
  - (2) Build, erect, or create a structure, fence, wall, or obstruction adjacent to any pipeline easement which would prevent complete and unimpaired surface access to the easement, or permit the building, erection, or creation thereof.
- (b) No shrubbery or shielding shall be installed on the pipeline easement which would impair aerial observation of the pipeline easement. This subdivision does not prevent the revegetation of any landscape disturbed within a pipeline easement as a result of constructing the pipeline and does not prevent the holder of the underlying fee interest or the holder's tenant from planting and harvesting seasonal agricultural crops on a pipeline easement.
- (c) This section does not prohibit a pipeline operator from performing any necessary activities within a pipeline easement, including, but not limited to, the construction, replacement, relocation, repair, or operation of the pipeline.





## Central Contra Costa Sanitary District

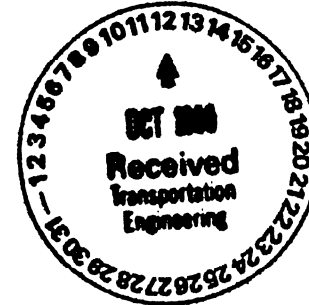
5019 Imhoff Place, Martinez, CA 94553

(925) 228-9500 • [www.centalsan.org](http://www.centalsan.org)

FAX: (925) 228-4624

October 11, 1999

Julia R. Bueren  
Assistant Public Works Director  
Contra Costa County Public Works Department  
255 Glacier Drive  
Martinez, CA 94553



CHARLES W. BATTIS  
General Manager

KENTON L. ALM  
Counsel for the District  
(925) 938-1430

JOYCE E. MURPHY  
Secretary of the District

Dear Ms. Bueren:

Thank you for the opportunity to comment upon the Administrative Draft of the Landscape Element of the Iron Horse Corridor Management Program. As you know, Central Contra Costa Sanitary District has a history of supporting public usage of the Iron Horse Corridor.

The District would like to make the following comments regarding its easement:

- No trees or driplines are permitted within the easement.
- Full access must be maintained for maintenance crews.
- Any actual landscape project will require a profile plan (three sets to scale) for review.
- A 42-inch sewer and twin 24-inch forcemains are planned for construction from Greenbrook Drive in Danville south, for a distance of 4.5 miles beginning in 2003.
- No benches, drinking fountains or any structures are allowed in our easement, so that maintenance work is not impaired.
- Restroom facilities and drinking fountains cannot be plumbed to the interceptor line in the easement.
- Water service lines for drinking fountains cannot cross the interceptor line.

CCCSD Continued →

*Letter from the  
Central Contra  
Costa Sanitary  
District*

In the northern portion of the corridor, between Monument Boulevard and Ygnacio Valley Road, the District has a long range plan to construct a recycled water line. This would be an excellent and cost effective source of irrigation water for landscaping. Construction is currently scheduled for 2015-2019, in order to take advantage of cost savings afforded by joint construction with the A-Line Relief Interceptor.

If you have any questions, please call me at (925) 229-7336.

Sincerely,



Curtis W. Swanson  
Environmental Services Division Manager

CS:sm

U:\ADMIN\CS\IHT-LTR.WPD



Letter from  
Kinder & Morgan  
Energy Partners



**SFPP, L.P.**

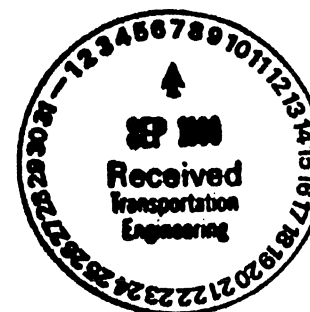
Operating Partnership

September 1, 1999

ENG 4-2-1 (3.3 to 21.9 - 16)

File Reference #99-354-1

Ms. Julia R. Bueren  
Assistant Public Works Director  
Transportation Engineering  
Contra Costa County  
Public Works Department  
255 Glacier Drive  
Martinez, CA 94553-4897



RE: Iron Horse Corridor Management Program

Dear Ms. Bueren:

This is in reply to your letter dated August 25, 1999 concerning the Administrative Draft of the Landscape Element of the Iron Horse Corridor Management Program.

As you are aware SFPP,L.P. (formerly Southern Pacific Pipelines) operates and maintains a 10-inch high pressure refined petroleum product pipeline within a 10 feet wide easement in the subject area. Enclosed for your information, is a copy of drawing Line Section 16, sheets 6 through 12 that depict the general alignment of the pipeline. Please note that the pipeline changes location from the eastside to the westside of the corridor several times throughout the area of interest.

In accordance with the California Pipeline Safety Act, there are certain limitations to improvements that can be installed on or adjacent to the pipeline easement. Article 51014.6 of the code specifically addresses structures and vegetation. An excerpted copy of this article of the code is attached for your information.

Kinder & Morgan Continued →

However, we do not object to the planned improvements subject to the following criteria in the interest of public safety and pipeline protection:

1. Notify Mr. M.S. Rounds at (925) 682-3046 at least one week prior to commencement of work near the pipeline easement. Mr. Rounds will arrange to have a pipeline representative present during pothole and other work near the pipeline.
2. All construction activities over or near SFPP's pipeline easement must first be reviewed and approved by a pipeline representative prior to commencement of each phase of the project work. SFPP's representative may require that the improvements and clearance requirements are compatible with the pipeline location.
3. The 10-inch pipeline must be potholed at all drain and irrigation line crossings, footing and/or anchor locations for park benches, bicycle racks, etc. SFPP's representative may require that other potholes be performed to determine exact location and depth prior to the use of power equipment. All pothole work must be made by hand excavation and in the presence of a pipeline representative.
4. Install irrigation line crossings to provide a minimum clearance of 12 inches.

1100 Town & Country Road      Orange, California 92868      714/560-4400      714/560-4601 Fax

Kinder & Morgan Continued →

Letter from  
Kinder & Morgan  
Energy Partners

5. Pothole the 10-inch pipeline at maximum 50 feet intervals to determine if the pipeline has sufficient cover to accommodate any proposed site grading and improvement work. All potholes must be performed by hand and in the presence of a pipeline representative.
6. No heavy equipment may work over the pipeline where there is less than four feet of cover. Approval of construction equipment utilized and method of placing fill within the pipeline easement must first be obtained from a pipeline representative.
7. No structure, fence, wall or obstruction can be placed in the easement or adjacent to the easement that will prevent complete and unimpaired surface access to the easement (reference attachment).
8. Landscape over the pipeline shall be limited to small plants and ground cover that will allow complete and unobstructed access to the easement for purposes of performing necessary pipeline maintenance and inspections. Landscape with large trees, shrubbery and shielding that would impair surface access and aerial observation is not acceptable. Trees adjacent to the pipeline would also make excavations difficult if the pipeline had to be exposed to perform maintenance (reference attachment).
9. Since the improvement work will involve several miles of the SFPP's easement, inspection will be provided to monitor construction work near its hazardous liquids pipeline. The cost of inspection is based on \$350/day/man plus 19.4% for G&A overhead times the number of days that it is estimated that the work will be performed near the pipeline. The number of inspectors will depend on the scope of the proposed site work. Execution of the SFPP's "Pipeline Inspection Agreement" agreement and deposit in the amount of the estimated inspection cost must be received before any work can be progressed near the pipeline..

When available, please forward a set of construction plans to this office for our review and additional comments concerning pipeline protection when working near these facilities.

If you have any questions I can be reached at (714) 560-4940 and include the file reference number above with all correspondence.

Sincerely,



D. R. Quinn

Attachment / Enclosures

DRQ/H:drq/letters/ENG4-2-1/99-354-1.doc

cc: M.S. Rounds



